

ARTICLE 1301

TITLES, PURPOSE AND INTERPRETATION

1301.01 Title

A Zoning Ordinance regulating and restricting the height, location, size and use of buildings and/or land in the City of Bethlehem, Pennsylvania, the areas to be occupied by buildings in proportion to the size of the lots upon which they stand: the size of yards and other open spaces appurtenant thereto and the density of population, and for these purposes establishing districts and boundaries, and other uses within such districts and boundaries and providing for the appointment of a Zoning Hearing Board, and setting forth the duties and functions of said Board and providing for administration, charges and enforcement of this Ordinance and providing penalties for violation thereof.

1301.02 Short Title

This Zoning Code shall be known and may be cited as "The Zoning Ordinance of the City of Bethlehem, Pennsylvania." It is also hereinafter referred to as Zoning Ordinance.

1301.03 Purpose

The purpose of this Zoning Ordinance is to promote the public health, safety, morals and general welfare by:

- (a) Encouraging the most appropriate use of land.
- (b) Preventing the overcrowding of land.
- (c) Conserving the value of land and buildings.
- (d) Lessening the congestion of traffic on the roads.
- (e) Avoiding undue congestion of population.
- (f) Providing for adequate light and air.
- (g) Securing safety from fire, flood and other dangers.
- (h) Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public facilities.
- (i) Giving reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses.

- (j) Guiding and regulating the orderly growth, development, and redevelopment of the city in accordance with the adopted Comprehensive Plan of the City of Bethlehem which contains the long-term objectives, principles and standards deemed beneficial to the interests and welfare of the people.

1301.04 Interpretation

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and general welfare of the City. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

1301.05 Separability

It is hereby declared to the legislative intent that:

- (a) If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- (b) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

1301.06 Application to Public Utility Corporations

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.